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                   IN THE UNITED STATES DISTRICT COURT
 2
                      NORTHERN DISTRICT OF ILLINOIS
 3
                             EASTERN DIVISION
     KLEEN PRODUCTS, LLC, et al.,
                                         Docket No. 10 C 5711
 4
                         Plaintiffs,
 5
                                         Chicago, Illinois
 6
               v.
                                          January 17, 2012
 7
     PACKAGING CORPORATION OF AMERICA,)
                                          9:32 o'clock a.m.
     et al.,
 8
                         Defendants.
 9
                    TRANSCRIPT OF PROCEEDINGS - STATUS
                    BEFORE THE HONORABLE NAN R. NOLAN
10
11
     APPEARANCES:
12
     For the Plaintiffs:
                                    FREED KANNER LONDON & MILLEN, by
                                    MR. MICHAEL JERRY FREED
                                    MR. STEVEN A. KANNER
13
                                    2201 Waukegan Road
                                    Suite 130
14
                                    Bannockburn, Illinois 60015
15
                                    THE MOGIN LAW FIRM, by
                                    MR. DANIEL JAY MOGIN
16
                                    707 Broadway
                                    Suite 1000
17
                                    San Diego, California 92101
                                    (appearing via speaker-phone)
18
     For Defendant International
                                   EIMER STAHL, by
19
                                    MR. NATHAN P. EIMER
     Paper:
20
                                    224 South Michigan Avenue
                                    Suite 1100
                                    Chicago, Illinois 60604
21
                         ALEXANDRA ROTH, CSR, RPR
22
                         Official Court Reporter
                   219 South Dearborn Street, Room 1224
23
                         Chicago, Illinois 60604
                              (312) 408-5038
2.4
25
     NOTE: Please notify of correct speaker identification.
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Cage: 1:10-cv-05711 Document #: 315 Filed: 04/10/12 Page 1 of 24 PageID #:6631,

1	APPEARANCES:	(Continued)	
2			FOLEY & LARDNER, by
3			MR. JAMES T. McKEOWN 777 East Wisconsin Avenue
4			Milwaukee, Wisconsin 53202
5	For Defendant Pacific:	Georgia	QUINN EMANUEL URQUHART & SULLIVAN, by
6			MR. STEPHEN R. NEUWIRTH 51 Madison Avenue
7			22nd Floor New York, New York 10010
8			FIGLIULO & SILVERMAN, by
9			MR. JAMES R. FIGLIULO Ten South LaSalle Street
10			Suite 3600 Chicago, Illinois 60603
11	For Defendants	s Cascades	K&L GATES, by
12	and Norampac:		MR. SCOTT M. MENDEL 70 West Madison Street
13			Suite 3100 Chicago, Illinois 60602
14	For Defendant	Dagkaging	_
	Corporation:	Packaging	KIRKLAND & ELLIS, by MR. BARACK S. ECHOLS
15			300 North LaSalle Street Chicago, Illinois 60654
16	For Defendant Tenn:	Rock	WINSTON & STRAWN, by
17			MR. JOSEPH SIDERS MR. R. MARK McCAREINS
18			35 West Wacker Drive Chicago, Illinois 60601
19	For Defendant 1	Temple-	MAYER BROWN, by
20	Inland:	_	MS. BRITT MARIE MILLER 71 South Wacker Drive
21			Chicago, Illinois 60606
22	For Defendant	Weyerhaeuser:	McDERMOT WILL & EMERY, by MS. RACHEL V. LEWIS
23			227 West Monroe Street Chicago, Illinois 60606
24			(appearing via speaker-phone)
25			

(Proceedings had in open court:) 1 2 THE CLERK: 10 C 5711, Kleen Products versus Packaging 3 Corporation. THE COURT: Okay. Let's --4 5 MR. : Thank you. This is THE COURT: Let's do bride side, groom side. 6 too confusing for me. 7 So plaintiffs are the brides. Okay. 8 MR. FREED: As the first bride, your Honor, Michael 9 Freed, plaintiffs. I apologize to the Court --10 11 THE COURT: It's okay. Don't worry. Because if 12 you -- if everybody starts giving speeches, we'll never get -it's fine. We're very glad you are here. Glad to have you, 13 Mr. Freed. 14 15 MR. FREED: My partner Steven Kanner is with me. THE COURT: Hi, Mr. Kanner. Okay. 16 Is there a plaintiffs' lawyer on the phone? Is there 17 somebody else on the phone? Okay. And will you identify 18 19 yourself. 20 MR. MOGIN: Good morning, your Honor. This is Dan Mogin on behalf of plaintiff as well. 21 22 THE COURT: Okay. Hi. Thank you, sir. Okay. Anybody else for the plaintiff? Okay. 23 So since this is my first time up, I'd like to know 24 25 which lawyers go with what defendant, or which defendants, I

MR. NEUWIRTH: Mr. Figliulo who's also here

THE COURT: Okay. Hi, Mr. Figliulo. How are you?

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23

24

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(inaudible).

Good.

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And -- and are you with Georgia Pacific also?
 1
 2
             MR. FIGLIULO: Yes, we're both with Georgia Pacific.
 3
             THE COURT: Both, okay. Good. All right.
             And who's next?
 4
             MR. MENDEL: Scott Mendel for Cascades and Norampac.
 5
             THE COURT: Okay. And you -- now, I have down here
 6
 7
    you're Cascades -- Cascades Canada.
 8
             MR. MENDEL: Yes.
 9
             THE COURT: And Nor -- are those two separate
     defendants?
10
11
             MR. MENDEL: They are affiliated (inaudible).
             THE COURT: Okay. Thank you, Mr. Mendel. Are you
12
13
     from Chicago also? Okay. Good.
14
             All right. Packaging Corporation of America?
15
             MR. ECHOLS: Good morning, your Honor. Barack Echols
     (inaudible) Packaging Corporation.
16
             THE COURT: Hi, Mr. Echols. And are you from Chicago?
17
             MR. ECHOLS: Yes.
18
             THE COURT: Okay. From Kirkland.
19
20
             And then we have Winston. We have Mr. Siders I saw.
21
    Hi, Mr. Siders. How are you?
22
             MR. SIDERS: Good. How are you?
23
             THE COURT: Good.
                                Thank you.
             MR. McCAREINS: I'm Marc McCareins. I'm with Winston.
24
25
     I was going to turn it over to Mr. Siders.
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THE COURT: Good. That's a good move.
 1
     definitely. That's a really good move. Yes. I also have Mr.
 2
 3
     Siders. Mr. Siders knows me. I know Mr. Siders.
                                                       That's true.
             But not as well as Ms. Miller, who --
 4
             MS. MILLER: Good morning, your Honor. Britt Miller
 5
     on behalf of Temple-Inland.
 6
 7
              THE COURT: Okay. And is it Rachel Lewis that's on
    the phone? No.
 8
             MS. LEWIS: Yes, your Honor, Rachel Lewis for
 9
10
    Weyerhaeuser Company.
11
             THE COURT: Okay. Hi, Ms. Lewis. And which office --
    you're in -- you're with McDermott but not here in Chicago?
12
13
             MS. LEWIS: Yes, I am in Washington, D.C. office.
             THE COURT: Oh, good. Okay. Nice to have you on the
14
            Okay.
15
     phone.
             So I received this. I agree with Judge Shadur's
16
     complimenting you. You have all -- you all get A pluses for
17
18
     your cooperation efforts and all of the efforts that you've
     spent doing basically the last six months.
19
20
             Has someone been designated to be our spokes person
    for today?
21
22
             MR. EIMER: I think Mr. Neuwirth and I will be the
     defendant.
23
24
              THE COURT:
                         Okay. And it looked to me that you would
25
     like a hearing. It looks like Judge Shadur thinks we should
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have a hearing. And the scope of the hearing is only search methodology. Or is it broader than that?

MR. FREED: Well, Michael Freed for the plaintiffs, your Honor. It's a little broader than that. There are four issues. But obviously, if you read the transcript, search methodology was one which was most discussed.

But there is a question about indices for defendants' production. Judge Shadur had a few comments which he made in the transcript concerning that. There is the temporal scope issue, the time period, which is also up for discussion, as well as defendants' accessing servers which may have information which is relevant in discovery, but may not be currently in use or may be remote or -- so there is the server issue as well.

Those -- those are the core issues which are before your Honor now, which were before Judge Shadur.

THE COURT: Right.

MR. NEUWIRTH: Your Honor, Steven Neuwirth, Georgia Pacific, at the defendants.

As I think is reflected in Judge Shadur's comments, that conference that we had, the first two issues that were mentioned, the ESI procedures and the related issue of whether when producing the ESI the defendants indexed the documents (inaudible) requested by the plaintiffs, really are the issues that are at the core of all of this. I think Judge Shadur

correctly noted that the other two issues mentioned by Mr. 1 (inaudible) really flow from the first two issues. 2 3 And so we would respectfully suggest that the hearing focuses on the first two, and we can get guidance from the 4 Court on those issues. The other issues, as Judge Shadur 5 noted, we think would follow. 6 7 THE COURT: I am at least familiar with different 8 types of search methodology and have helped people in the past, 9 Mr. Siders being one of them. We had quite a search. 10 didn't have what type of search. But then we did have to do 11 quite a bit of work on the words themselves. It was a word 12 search case. 13 Can you -- can somebody tell me what this indices issue is? I don't -- I'm really not familiar with it. 14 15 MR. FREED: Sure, your Honor, actually it was addressed in the transcript. But when defendants made the 16 production, which to date probably exceeds over a million 17 pages --18 THE COURT: Hard copy pages. 19 20 MR. FREED: Hard copy, yes. THE COURT: Are these basically e-mails? 21 22 MR. NEUWIRTH: It would translate perhaps into that. But it was produced electronically. 23 THE COURT: 24 Okay. 25 MR. FREED: They -- they did the production without

any indication of what document relates to what request for production. So essentially, if you do equate this to a room full of documents, we would have very little, if any, information or access as to what they think is responsive to what we tried to make very carefully crafted requests for production.

During discussions with defendants, they asked us if

During discussions with defendants, they asked us if maybe it would be useful if we tried to come up with a list of categories to which their production could be responsive. And that was not a successful way to charge to address the issue either.

So we are asking that they do some sort of identification of what of these electronically produced hard copies is responsive to what it is that we have asked for.

THE COURT: So --

MR. FREED: We've not had any success.

THE COURT: All right.

MR. NEUWIRTH: Your Honor, I think that the defendants have a slightly different perspective on what the issue is. Without judging it, we would note that we do think that what the plaintiffs are asking for here is really unprecedented. I think there is a lot of case law that your Honor is probably familiar with objecting the types of things that we think the plaintiffs are asking for here. And -- and this is a case where there is metadata that is --

THE COURT: Now, that's different. See, what -- what 1 I heard Mr. Freed just say is, he issued requests document --2 3 he issued document requests to produce documents. And your answer to his request to produce documents were to give him 4 hundreds of thousands of pages without a specific number to a 5 particular document request. 6 Is -- now, physically -- I just want to know 7 physically, not metadata, not content, not was it correct. 8 Was this a document request? 9 10 MR. NEUWIRTH: It was -- it was over 90 document requests --11 THE COURT: Okay. 12 MR. NEUWIRTH: -- if -- which overlapped. Any of the 13 documents involved multiple topics, the type of business 15 planning documents, that (inaudible) requested here. Many of them are 40, 50 pages long, arguably are responsive to half the 16 17 requests at a time. And the problem, your Honor, is that as I think a lot 18 of the Courts have recognized, it would be unduly burdensome 19 20 for defendants producing the ESI to have to figure out and identify which of all of these more than 90 requests of 21 22 documents are responsive to your (inaudible). The alternative

proposal that the plaintiffs gave us was to come up with over

29 categories that they've identified, which in effect asked

the defendants to do a document review for the plaintiff and

14

23

24

25

organize documents by these categories, which also overlap.

So the problem that we encountered is that either of the alternatives that the plaintiffs have come up with would create unmanageable burden for the defendants. And we had thought that the search term protocol you -- would enable the plaintiffs, if they chose to, to apply the search terms and full documents that are responsive.

THE COURT: So the 29 categories, are those by search terms?

MR. NEUWIRTH: No. The 29 categories are subject matters that the plaintiffs have come up with, essentially are asking the defendants to do the document review for the plaintiffs. And -- and we think there is a -- a different recollection on the part of the defendants about what the discussions were. That's not really our concern right now. But the reality is that the 29 categories would be asking us to do something, A, that's unprecedented, but either we really don't think we could go without thousands if not more hours of work.

MR. FREED: They -- we refer to Rule 34(b), which talks about it and which Judge Shadur correctly noted is mandatory that we are entitled to a index or a reference to the part of our discovery request for production to which they are responding. The Judge indicated predisposition to grant us that motion. But he certainly didn't rule, and I'm not

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suggesting he did.
 1
              THE COURT: Well, I mean -- I mean if there -- one of
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 3
     their objections is burdensomeness. I guess, if we're going to
    have experts on the stand for what type of methodology to use,
 4
     the -- the expert would also be talking about the burden.
 5
                                                                So
     they seem to go hand in hand.
 6
 7
              I'm asking, though, a different question. And maybe
    I'm not saying it too clearly. Was this million dollars un --
 8
     I mean, according to you, kind of an unspecified receipt of
 9
10
     documents? Were they supposed to answer the interrogatories
11
     too or just the dock -- no, wait. Okay.
              MS. MILLER: (Inaudible) the interrogatories, these
12
13
     are just document requests, your Honor.
14
              THE COURT: Okay. So it -- so it doesn't answer
15
     interrogatories.
              MR. NEUWIRTH: Your Honor, we --
16
              THE COURT: Did you get them on a rolling production?
17
     Or was it done all together?
18
              MR. FREED: I would say several rolling productions,
19
20
    but --
              THE COURT: And did you call them up when you got the
21
22
     first one and say, hey, we need an index?
                                There has been -- we can establish
23
              MR. FREED: Yes.
     for the Court the consistent -- consistency of our request for
24
25
     the production of an index. Mostly it's been in writing
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because in this case it seems that with all the defendants
 1
     involved, that it's -- it's better not -- not to make a record
 2
 3
     formally but just to have a record of what was said so that
     each party is --
 4
 5
              THE COURT: Now --
              MR. FREED: -- (inaudible) back.
 6
 7
              THE COURT: -- when you say -- so each of the five
 8
     companies --
                   : Six.
 9
              MR.
              THE COURT: Six. Each of the six companies that this
10
11
     million -- supposed loosely, this large -- so that is from all
12
     six companies?
13
              MR. NEUWIRTH: Yes.
14
              MR. FREED: And -- and I'm not positive it's a
    million. I believe --
15
              THE COURT: Can you tell which company the documents
16
17
     come from? So they've got -- so there is some kind of index
     already.
18
              MS. MILLER: Basically all of our documents, so each
19
20
     (inaudible) defendant, and everyone has produced them and
21
     Court's rules in the ordinary course of business.
22
              MR. EIMER: Each defendant produced separately.
     defendant numbered its own documents. Each defendant produced
23
24
    metadata with the document, so that it can be reviewed just as
25
     the (inaudible) protocol required us to do.
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MR. FREED: I think there was metadata. They had that
 1
 2
     metadata. And each production, as the defendants are eager to
 3
     describe what they produced, each defendant will say that there
     is no index, although we've asked for various forms of indices
 4
    which would be less labor intensive and less burdensome.
 5
                                                               But
     each of those requests has been met with a resounding no.
 6
 7
              MR. NEUWIRTH: Well, your Honor, we would just add
    that what we've done is, each defendant has produced
 8
     separately. And with limited exception, each production allows
 9
     the plaintiffs to see which custodians' files the documents
10
11
     were produced.
              THE COURT: And they had -- and they know who all
12
13
     these custodians are. There is a -- there is a --
14
             MR. EIMER: Miller wrote a letter detailing every
15
     defendant which custodians' files were (inaudible).
              THE COURT: And did you agree at the time frame before
16
    you started all this?
17
             MR. FREED: Well, that's also an issue. We have tried
18
     to accommodate --
19
20
              THE COURT: Is everything preserved, whether or not
     it's produced?
21
22
             MR. NEUWIRTH: Yes, everything has been preserved.
             THE COURT: Okay. All right.
23
             Okay. Well, that's good. Okay. And you can give
24
25
     us -- I don't mean a million copies, but you can kind of give
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us Ms. Miller's -- she's good. Isn't she? She is very 1 2 thorough. She is very thorough. Okay. All right. Well, it does appear that at 3 least -- what I wanted to do is I just would like to do one 4 hearing. And I'm relying upon you. Judge Shadur -- I listen 5 to Judge Shadur as much as you all listen to Judge Shadur. 6 7 did as a lawyer. I do as a Judge. He's -- I liked his pen and ink, his quill and ink. He's -- he's a doll. 8 So do you think we should have a conference before the 9 10 hearing and then kind of work it out? Do you think we need to 11 have it? Or do you -- do you think we could streamline anything if we had a conference? Or do you want to just set it 12 13 down for the hearing? 14 MR. EIMER: I think, your Honor, Mr. Freed and I 15 talked about the nature of the hearing. I think we can go right to the hearing. I think we are close to agreeing on what 16 the hearing would look like, the time period. 17 THE COURT: Okay. 18 MR. EIMER: What the three hearing activities would 19 20 be. I think we're -- if we --THE COURT: Okay. What do you suggest then? Or do 21 22 you want to -- can you tell me today, or you want to put it in writing, whatever? I mean, I think the most important thing 23 with this many people is to pick a date --24 25 MR. EIMER: Right (inaudible).

THE COURT: -- which -- yeah.

1

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MR. FREED: We -- we were looking for a date towards
 2
 3
     the end of February. We had talked about an earlier date. But
     the logistics of --
 4
              THE COURT: No, don't. Don't talk about -- I'm on
 5
     criminal duty. So don't. Okay.
 6
 7
             What do you think? Whoever called told Lynette four
             It's going to take us four hours to say everybody's
    hours.
 8
           So, I mean, I don't think four hours is enough. I think
 9
10
    we should have a day.
11
             MR. FREED: We agree with that. That was one of the
     slight disagreements which we had. We think a day would be
12
13
    more prudent.
14
             MR. NEUWIRTH: Right. A day would be fine.
15
             THE COURT: A whole day, yes.
             MR. NEUWIRTH: I think given the schedules that we've
16
     compared for late February, if that fits the Court's calendar,
17
     and we have some scheduling issues with experts that we'd like
18
     to bring -- if we need to bring to the hearing.
19
20
              I believe the date we know -- first available date is
     February 21 that the plaintiffs can do that we can do.
21
22
         (Brief pause.)
23
              THE COURT: Lynette, what would you think about
     Wednesday, February 29?
24
25
             MR. FREED: That would be better.
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MR. NEUWIRTH: Unfortunately, your Honor, the experts
 1
     that are coming are -- told us the last date in February that
 2
     they are available is the 21st. And I -- I will say for what
 3
    it's worth, certainly work (inaudible) the Court's needs, but
 4
     there is uncertainty hanging over this for the defendant.
 5
                                                                Ιf
     there is any possibility (inaudible) --
 6
 7
              THE COURT: What about -- all right. Friday the 17th?
             MR. NEUWIRTH: We've been told that the dates that the
 8
     experts are available are the 6th, the 13th and 21st. We
 9
10
     understand the Court is closed on the 20th. We're also
     available.
11
              THE COURT: What do -- what do we have the 21st?
12
13
         (Inaudible.)
              THE COURT: Okay. So let's give it -- let's give
14
     these folks because there are more of them than there are in
15
     the other case. So sheer numbers alone, you (inaudible).
16
             All right. So the 21st, everybody can do the -- or
17
     everybody will make themselves do it.
18
             MS. MILLER: We will make ourselves available, your
19
20
    Honor.
              THE COURT: All right. So let's work backwards right
21
22
    now then.
             MR. FREED: Your Honor, if I may, and I apologize.
23
              THE COURT: Please, any suggestions you got.
24
25
             MR. FREED: This isn't a suggestion. I just want to
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sort of as a placeholder say that we have not cleared dates
 1
 2
     with our experts. We were thinking that perhaps the reverse,
 3
     that your Honor would give us the dates which you would be
    available, and we would check with them.
 4
              So I certainly will do everything in my power to make
 5
     sure that our experts are available. But there is the remote
 6
 7
    possibility, and I just need to say it, we won't be able to do
     a -- can get that date.
 8
              THE COURT: All right.
                                      Then you need --
 9
10
              MR. EIMER: (Inaudible) March date just as that safety
11
     valve.
12
              THE COURT: But they don't have their experts on
13
             What you're going to need to do is talk. I am gone
     from tomorrow until next Wednesday. You can either call Chris
14
15
     or Lynette on March dates. And definitely I have March dates
16
     open.
          Okay?
         (Inaudible.)
17
              THE COURT:
                         Right.
18
              MR. NEUWIRTH: Can we for now hold the 21st?
19
20
              THE COURT: We are. It's yours.
         (Inaudible.)
21
22
              THE COURT: No, it is. And I think they should go
     back and do whatever because if everybody else -- if these --
23
     are your people here in Chicago? Who do you have?
24
25
              MR. FREED: There -- there are some people we have.
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There is also some people we're talking to.
 1
 2
             THE COURT: Okay.
 3
             MR. FREED: And that's the problem.
             THE COURT: All right. Well, see what you
 4
     can do on -- better the -- just I can tell you in general, I
 5
 6
     start criminal duty the 12th of March. And then from that on
 7
     with Sedona and school break, I mean, we're -- we're talking
     only the first 11 days or nine days in March anyway.
 8
             MR. EIMER: Okay. We'll fit it.
 9
10
             THE COURT: Okay? All right.
11
             MR. FREED: The only other item we had discussed is,
12
     we thought it might be helpful to do a -- some sort of a pre-
     submission for --
13
14
             THE COURT: Yes.
15
             MR. FREED: We've already -- and we thought those
     might be simultaneous.
16
             THE COURT: Good, that's good.
17
             MR. FREED: Perhaps an opportunity for a brief
18
     response simultaneously.
19
20
             THE COURT: Okay. That's fine.
             So let's go back from 2/21. Chris and I -- I have
21
22
     criminal duty in February. I am pretty busy here, and I've got
     another hearing set for next week. So let's -- let's give
23
     ourselves enough time.
24
25
             When could you get your simultaneous briefs in?
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MR. NEUWIRTH: Whenever it's convenient for the Court.
 1
     Depends on how much time your Honor would like.
 2
 3
              THE COURT: Well, actually, so we are going to be on a
     Tuesday, right?
 4
              MR. NEUWIRTH: Yes. I think we would like a couple of
 5
     days after the submission for reply, a reply or something or
 6
 7
     something, but (inaudible) --
              THE COURT: Right. All right. How about if yours is
 8
     simultaneously Monday, February 6. And by that Friday, the
 9
     10th, is that okay, Chris?
10
11
         (Inaudible.)
              THE COURT: Or Monday the 13th. Okay.
12
13
              Okay. And if there is any case law you want us to
     take a look at, you mentioned something on indices, I really
14
15
     don't -- I mean, I haven't really heard this -- I haven't
     really heard the issue phrased like this before. So if you got
16
     any case law you'd like us to look at.
17
              Is there going to be any Daubert challenge to these
18
     experts? Or are you both going to agree for purposes of this
19
20
     hearing that they can testify? Because, I mean, I don't want
     to get here with everybody here if somebody is going to object.
21
22
     I don't -- I want you to let the other side know and let us
     know if there is --
23
              MR. NEUWIRTH: We have --
24
25
              THE COURT: -- any challenge.
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MR. NEUWIRTH: Plaintiffs haven't disclosed their
 1
 2
     experts to us. We've disclosed at least two of our experts, or
     one of them.
 3
             THE COURT: How many -- how many experts?
 4
             MR. NEUWIRTH: We have two, perhaps three.
 5
             THE COURT: Defendants might have -- and do they all
 6
 7
             I mean, that would help.
     agree?
             MR. NEUWIRTH: I hope so. I hope so.
 8
             THE COURT: I mean if --
 9
10
             MS. MILLER: Yes.
             THE COURT: Okay. All right.
11
             MR. FREED: We're likely to have two.
12
13
             THE COURT: Do we need any equipment? Are they going
14
     to show us anything? Are they going to show a search, if
15
     they're going to -- if they are, then you need to call Joe
    Novak and get the material up here.
16
17
             And I think, Lynette, we need -- I want to get a court
     reporter. Okay. Because I think -- and maybe even Judge
18
19
     Shadur's court reporter, if that person would be around,
20
    because --
             MS. MILLER: We'll arrange for --
21
22
              THE COURT: Yeah. No, I mean, we should, we should do
23
    it, though. We'll -- we'll get a real live person. Okay?
24
    So --
25
             MR. NEUWIRTH: One other thing. I wonder if we can
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set some reasonable limits to the submissions to the Court so
 1
     you're not burdened --
 2
 3
              THE COURT: Please.
             MR. NEUWIRTH: How about 15 and five?
 4
             THE COURT: I think that's great. Okay?
 5
             And I think we should start at 10:00. Okay? So if we
 6
 7
     do have any -- all right. So this is 2/21.
 8
             And I don't think we need a status before that then
 9
    with all of this set up. Okay. So please check with your
    people immediately and get on the phone with Chris or Lynette
10
11
    if it really is impossible. And then they'll give a date.
     Okay?
12
13
             MR. NEUWIRTH: Thank you so much.
14
              THE COURT: Nice to have you all on board. Thank you.
15
             Oh, hold on now. On telephone person, are you going
     to be here for the hearing?
16
             MR. MOGIN: Yes, your Honor, I will be.
17
              THE COURT: Okay. Where is your office again?
18
             MR. MOGIN: San Diego.
19
20
             THE COURT: Okay. Thank you.
                  : Wonder why he would come for this.
21
22
              THE COURT: Yeah, right, right. We would like to go
     to San Diego and have the hearing, but I don't think we can do
23
24
     that.
           So -- okay.
25
             MR. MOGIN: Will be happy to accommodate.
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THE COURT: Okay. Did you say -- and then isn't there
 1
     a lady from McDermott, too? Okay. And are you coming, miss?
 2
 3
             MS. LEWIS: Yes, your Honor, I plan to attend.
             THE COURT: Okay. And those two dates, you know, we
 4
    kind of forgot about you. I'm sorry. Do those dates work for
 5
    you, both of you, too?
 6
             MS. LEWIS: Yes, they do.
 7
             THE COURT: And, sir?
 8
             MR. MOGIN: Yes, your Honor. We'll -- we'll work
 9
10
     around.
11
             THE COURT: Okay.
                                Yes.
12
                         I have a question. I've just been
             MR. EIMER:
13
     reminded that we have a lot of coordinating to do. And on the
     reply, can we have until the 13th to file?
14
15
             THE COURT: That's what Chris said, yeah, to that
    Monday. Okay. Yeah, to that Monday. Okay? Thank you.
16
             MS. MILLER: Thank you, your Honor.
17
             THE COURT: Nice to see you all again. Bye-bye.
18
         (Which were all the proceedings had at the hearing of the
19
20
         within cause on the day and date hereof.)
21
22
23
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25
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CERTIFICATE I HEREBY CERTIFY that the foregoing is a true, correct and complete transcript of the proceedings had at the hearing of the aforementioned cause on the day and date hereof. /s/Alexandra Roth 1/18/2012 Official Court Reporter Date U.S. District Court Northern District of Illinois Eastern Division

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